

**PROFESSIONAL STANDARDS ORDINANCE 2004**  
**AMENDING ORDINANCE No. 2 2020**  
**Ordinance No. 12 of 2020**

An Ordinance to amend the Professional Standards Ordinance 2004 with respect to defined terms.

**PREAMBLE**

**Whereas** provisions for matters involving professional standards and fitness for office or duty are contained in the Professional Standards Ordinance 2004; and

**Whereas** it is desirable to have the Ordinance amended so that definitions used in the Ordinance are aligned with the Children’s Guardian Act 2019 [NSW];

**Therefore**, the Bishop-in-Council in pursuance of powers provided in clause 48.2 of the Diocesan Governance Ordinance 2008 hereby decrees and enacts as follows:

**AMENDMENTS**

1. In Section 2 (1) replace the definition of “information” with the following:

“**Information** means information of whatever nature and from whatever source relating to:

- a. Alleged conduct or the conviction of a Church worker, wherever or whenever occurring, involving:
  - i. an offence of a sexual nature under a law of the State, another State, a Territory, or the Commonwealth, committed against, with or in the presence of a child;
  - ii. conduct with, towards or in the presence of a child that is sexual in nature but is not a sexual offence, including grooming and the possession, making or distribution of child exploitation material;
  - iii. conduct towards a child that is unreasonable and seriously inappropriate, improper, inhumane or cruel;
  - iv. a significant failure to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for the child, that causes or is likely to cause harm to a child, by
    1. a person with parental responsibility for the child, or
    2. an authorised carer of the child, or
    3. an employee, if the child is in the employee’s care.
  - v. the intentional or reckless application of physical force without lawful justification or excuse, or any act which intentionally or recklessly causes another to apprehend immediate and unlawful violence;
  - vi. an offence under section 43B or 316A of the Crimes Act 1900;
  - vii. behaviour that causes significant emotional or psychological harm to a child.
- b. Alleged inappropriate or unreasonable conduct or omission of a Church worker who had knowledge of conduct of another Church worker involving:
  - i. an offence of a sexual nature under a law of the State, another State, a Territory, or the Commonwealth, committed against, with or in the presence of a child;

- ii. conduct with, towards or in the presence of a child that is sexual in nature but is not a sexual offence, including grooming and the possession, making or distribution of child exploitation material;
  - iii. conduct towards a child that is unreasonable and seriously inappropriate, improper, inhumane or cruel;
  - iv. a significant failure to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for the child, that causes or is likely to cause harm to a child, by
    - 1. a person with parental responsibility for the child, or
    - 2. an authorised carer of the child, or
    - 3. an employee, if the child is in the employee's care.
  - v. the intentional or reckless application of physical force without lawful justification or excuse, or any act which intentionally or recklessly causes another to apprehend immediate and unlawful violence;
  - vi. an offence under section 43B or 316A of the Crimes Act 1900;
  - vii. behaviour that causes significant emotional or psychological harm to a child.
- c. Alleged process failure, including:
- i. conduct that impedes or undermines a professional standards process;
  - ii. failure, without reasonable excuse to perform a function under a professional standards process;
  - iii. failure without reasonable excuse to comply with laws of the State or Commonwealth relating to child protection and mandatory reporting."

2. In Section 2 (1) add the following definition of "grooming":

"**grooming** means the manipulative cultivation of a relationship in order to:

- a. initiate or hide sexual assault of an adult or a child;
- b. facilitate the procurement of a child to engage in a sexual act; or
- c. expose, without legitimate reason, a child to any indecent matter.

An instance of grooming may not only refer to where the offender grooms the child, but also where the offender grooms some or all of the child's parents or guardians, clergy and church workers."

### **COMMENCEMENT**

3. This Ordinance shall come into effect upon receiving the assent of the Bishop.

### **SHORT TITLE**

4. This Ordinance may be cited as the Professional Standards Ordinance Amending Ordinance No. 2 2020.

**ASSENT**

We hereby certify that this Ordinance was passed by Bishop-in-Council on the 16th day of July, 2020 and that the Ordinance as printed is in accordance with the Ordinance as passed.



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Chair of Committees

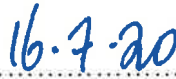


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Registrar

I assent to this Ordinance.



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Bishop



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Date